



AMERICANS for TAX REFORM

Honorable Rick Jones
Michigan Senate
Lansing, Michigan

August 19, 2015

Dear Senator Jones

On behalf of Americans for Tax Reform and our supporters across Michigan, I write today in strong support of a legislative package pending in the Michigan legislature that, if passed, would safeguard the Fifth Amendment rights of your constituents. While the reform package—encompassing House bills 4500, 4503, 4504, 4506, 4507, and 4508,—does not solve the problem of civil asset forfeiture in its entirety, it does, represent a giant leap forward in ensuring innocent civilians are protected. Furthermore, these reforms preserve the ability of police officers to confiscate profits of legitimate offenders.

On average, Michigan police collect a staggering \$18.6 million per year on forfeitures alone; creating a tempting draw to use this questionable practice aggressively. Last year alone police seized over \$24 million. Unfortunately, civil asset forfeiture can prove to be a powerful incentive for some over-zealous officers.

In one particularly egregious incident, Michigan mom Ginnifer Hency saw police come into her home and seize everything from her husband's tools to her children's Christmas presents. Her crime? Six ounces of marijuana—which she was legally allowed to possess thanks to her medical marijuana license. The case was so farcical on its face that a St. Clair County judge dismissed it. Unfortunately the prosecutor then sought to take her property in civil court.

To help curb these abuses, the new law would increase the standard of proof from “preponderance of the evidence” to “clear and convincing.” Though a conviction should be required of any asset forfeiture, this shift of the burden of proof balances the onus in against the state in a positive way.

Moreover, these new reforms would improve reporting standards and transparency, which will help prevent civil asset forfeiture abuse. By requiring reporting on seized assets, legislators in Lansing, and their constituents, can keep better track of the funding police agencies get from the sale of confiscated assets.

Police forces need the trust of their communities to do their jobs effectively. Civil asset forfeiture, as the authority exists in Michigan, erodes that trust and antagonizes innocent civilians. These reforms help to restore trust in local and state police by reassuring constituents that their civil liberties are paramount in Michigan law.

I implore your colleagues to extend their own support for this important legislation. For more information, please contact Jorge Marin in my office at jmarin@atr.org.

Regards,

Grover G. Norquist
President
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